



June 8, 2022

H.R. 2377, Federal Extreme Risk Protection Order Act/Extreme Risk Protection Order Act

Key Points:

- On Thursday, the House will consider H.R. 2377, legislation that combines the provisions of H.R. 2377, Federal Extreme Risk Protection Order Act as introduced by Rep. Lucy McBath, and the provisions of H.R. 3480, Extreme Risk Protection Order Act, as introduced by Rep. Carbajal (D-CA).

Federal Extreme Risk Protection Order Act, introduced by Rep. Lucy McBath (D-GA)

- Rep. Lucy McBath introduced this bill on April 8, 2021. The House Judiciary Committee then reported the bill on October 27, 2021, by a vote of 24 to 18.
- This bill authorizes and establishes procedures for federal courts to issue extreme risk protection orders.
- This key bill would allow family members and law enforcement officers to petition a federal court for an extreme risk protection order to temporarily remove access to firearms for an individual who is deemed a danger to themselves or others by the court.
- Currently, 19 states and the District of Columbia have extreme risk protection order laws – but there is no federal extreme risk protection law.
- We know that Extreme Risk laws save lives. We have witnessed their effectiveness in state after state, beginning in 2016 when California passed the first such law. Since then, 18 other states and the District of Columbia have enacted such laws.
- In sum, extreme risk protection orders can prevent a tragic shooting before it occurs.

Extreme Risk Protection Order Act, introduced by Rep. Salud Carbajal (D-CA)

- This key bill is designed to create incentives for more states to adopt extreme risk protection order laws. Specifically, the bill creates a new grant program at the U.S. Department of Justice, with the grants to be used to encourage more states to adopt these protection order laws and to support the 19 states that have already implemented them.
- Rep. Carbajal has been introducing this bill since 2017. For the 117th Congress, Rep. Carbajal introduced the bill as H.R. 3480 on May 25, 2021.
- Extreme risk protection orders allow for the temporary removal of firearms from a person who has been deemed by a court to be dangerous to themselves or to others.
- Currently, there are 19 states and the District of Columbia that have implemented extreme risk protection order laws.
- According to a study done by the gun safety organization Everytown, in 51 percent of mass shootings from 2005 to 2017, the attacker exhibited warning signs.
- For example, before killing six people in Isla Vista, California in May 2014, the shooter made homicidal and suicidal threats and his parents alerted law enforcement. However, back in 2014, there was nothing the parents could legally do to remove firearms because California did not yet have an extreme risk protection order law.